

Effective 5/12/2015

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17B-1-643 Imposing or increasing a fee for service provided by local district.

- (1)
- (a) Before imposing a new fee or increasing an existing fee for a service provided by a local district, each local district board of trustees shall first hold a public hearing at which:
 - (i) the local district shall demonstrate its need to impose or increase the fee; and
 - (ii) any interested person may speak for or against the proposal to impose a fee or to increase an existing fee.
 - (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning no earlier than 6 p.m.
 - (c) A public hearing required under this Subsection (1) may be combined with a public hearing on a tentative budget required under Section 17B-1-610.
 - (d) Except to the extent that this section imposes more stringent notice requirements, the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in holding the public hearing under Subsection (1)(a).
- (2)
- (a) Each local district board shall give notice of a hearing under Subsection (1) as provided in Subsections (2)(b) and (c) or Subsection (2)(d).
 - (b) The notice required under Subsection (2)(a) shall be published:
 - (i) on the Utah Public Notice Website established in Section 63F-1-701; and
 - (ii)
 - (A) in a newspaper or combination of newspapers of general circulation in the local district, if there is a newspaper or combination of newspapers of general circulation in the local district; or
 - (B) if there is no newspaper or combination of newspapers of general circulation in the local district, the local district board shall post at least one notice per 1,000 population within the local district, at places within the local district that are most likely to provide actual notice to residents within the local district.
 - (c)
 - (i) The notice described in Subsection (2)(b)(ii)(A):
 - (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch border;
 - (B) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear;
 - (C) whenever possible, shall appear in a newspaper that is published at least one day per week;
 - (D) shall be in a newspaper or combination of newspapers of general interest and readership in the local district, and not of limited subject matter; and
 - (E) shall be run once each week for the two weeks preceding the hearing.
 - (ii) The notice described in Subsection (2)(b) shall state that the local district board intends to impose or increase a fee for a service provided by the local district and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not less than seven days after the day the first notice is published, for the purpose of hearing comments regarding the proposed imposition or increase of a fee and to explain the reasons for the proposed imposition or increase.
 - (d)

- (i) In lieu of providing notice under Subsection (2)(b), the local district board of trustees may give the notice required under Subsection (2)(a) by mailing the notice to those within the district who:
 - (A) will be charged the fee for a district service, if the fee is being imposed for the first time; or
 - (B) are being charged a fee, if the fee is proposed to be increased.
- (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).
- (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing fee.
- (e) If the hearing required under this section is combined with the public hearing required under Section 17B-1-610, the notice required under this Subsection (2):
 - (i) may be combined with the notice required under Section 17B-1-609; and
 - (ii) shall be published or mailed in accordance with the notice provisions of Subsection (2)(d).
- (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie evidence that notice was properly given.
- (g) If no challenge is made to the notice given of a hearing required by Subsection (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.
- (3) After holding a public hearing under Subsection (1), a local district board may:
 - (a) impose the new fee or increase the existing fee as proposed;
 - (b) adjust the amount of the proposed new fee or the increase of the existing fee and then impose the new fee or increase the existing fee as adjusted; or
 - (c) decline to impose the new fee or increase the existing fee.
- (4) This section applies to each new fee imposed and each increase of an existing fee that occurs on or after July 1, 1998.
- (5)
 - (a) This section does not apply to an impact fee.
 - (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a, Impact Fees Act.